



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
Boyd et al. ) Attorney Docket No: 1842-0021  
Application No.: 10/749,640 )  
Filed: December 31, 2003 )  
Title: Dynamic Spinal Stabilization System ) Examiner: To be assigned  
Group Art Unit: To be Assigned

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on March 2, 2004

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Michael D. Beck

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March 2, 2004

Date of Signature

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56, Applicants hereby disclose the following references.  
Copies of the U.S. references are provided herewith since this application was filed before the waiver date of June 30, 2003.

## Information Disclosure Statement

February 2, 2004

Page 2 of 5

<u>U.S. Patent No.</u>	<u>Inventor</u>	<u>Issue Date</u>
4,743,260	Burton	05/10/1988
4,805,602	Puno et al.	02/21/1989
4,836,196	Park et al.	06/06/1989
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2002/0019637	Frey et al.	02/14/2002
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<u>Foreign Pat. No.</u>	<u>Country</u>	<u>Issue/Publication Date</u>
EP 0 381 588 B2	Europe	03/05/2000
WO 02/24087	PCT	28/03/2002

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1. Mulholland, Robert C. and Sengupta, Dilip K., "Rational, Principles and Experimental Evaluation of the Concept of Soft Stabilization", EUR Spine J (2002) 11 (Suppl. 2): S198-S205, © Springer-Verlag 2002, (8 pages).
2. Sénégas, J., "Mechanical Supplementation by Non-Rigid Fixation in Degenerative Intervertebral Lumbar Segments: The Wallis System", Eur Spine J (2002) 11 ((Suppl. 2): S164-S169, ©Springer-Verlag 2002, (6 pages).
3. Dunske, Stewart B., Schmidek, Henry H., Frymoyer, John, and Kahn, Alfred, "The Unstable Spine (Thoracic, Lumbar, and Sacral Regions), Grune & Stratton, Inc. 1986, (19 pages).
4. "Modulus System™: Fusion, Stabilization, or Augmentation", MEKANIKA: The Spinal Stabilization Company, <http://www.mekanika.com/htm/modsystem.htm>, November 15, 2003, (4 pages).
5. Scifert, Jeffrey L., Sairyo, Koichi, Goel, Vijay K., Grobler, Leon J., Groslan, Nicole M., Spratt, Kevin F., and Chesmel, Kathleen D., "Stability Analysis of an Enhanced Load Sharing Posterior Fixation Device and Its Equivalent Conventional Device in a Calf Spine Model", SPINE, Vol. 24, No. 21, pp. 2206-2213, ©Lippincott, Williams & Wilkins, Inc. (8pages).
6. Various Abstracts of Articels on the "X-Stop" Interspinous Spacer, Various Authors, date unknown, (1 page).
7. Swanson, Kyle E., Lindsey, Derek P., Hsu, Ken Y., Zucherman, James F. and Yerby, Scott A., "The Effect of Interspinous Implant on Intervertebral Disc Pressures", SPINE, Vol. 28, No. 1, pp. 26-32, ©Lippincott, Williams & Wilkins, Inc., (9 pages).

8. Garner, Matthew D., Wolfe, Steven J., Kuslich, Stephen D., "Development and Preclinical Testing of a New Tension-Band Device for the Spine: The Loop System", Eur Spine J (2000) 11 (Suppl. 2): S186-191, (6 pages).
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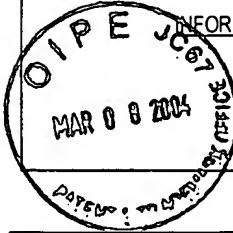
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It is believed that no fees are due for the consideration of this Information Disclosure Statement because this Information Disclosure Statement is being filed before receipt of the First Office Action. However, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 13-0014, but not to include any payment of issue fees.

March 2, 2004  
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Respectfully Submitted,

  
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Attorney for Applicants  
Registration No. 32,722

 <b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE STATEMENT</b>	ATTY. DOCKET NO.: 1842-0021		APPLICATION NO. 10/749,640
	APPLICANT: Boyd et al.		
	FILING DATE: December 31, 2003	GROUP ART UNIT: To be Assigned	

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA	4,743,260	05/10/1988	Burton			
	AB	4,805,602	02/21/1989	Puno et al.			
	AC	4,836,196	06/06/1989	Park et al.			
	AD	5,002,542	03/26/1991	Frigg			
	AE	5,011,484	04/30/1991	Breard			
	AF	5,092,866	03/03/1992	Bread et al.			
	AG	5,167,664	12/01/1992	Hodorek			
	AH	5,180,393	01/19/1993	Commarmond			
	AI	5,207,678	05/04/1993	Harms et al.			
	AJ	5,209,751	05/11/1993	Farris et al.			
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	AL	EP 0 381 588 B2	03/05/2000	Breard et al.			Yes No
	AM	WO 02/24087	28/03/2002	Kalaitzis et al.			Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

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AQ	1	Mulholland, Robert C. and Sengupta, Dilip K., "Rational, Principles and Experimental Evaluation of the Concept of Soft Stabilization", EUR Spine J (2002) 11 (Suppl.2): S198-S205, ©Springer-Verlag 2002, (8 pages).
AR	1	Sénégas, J., "Mechanical Supplementation by Non-Rigid Fixation in Degenerative Intervertebral Lumbar Segments: The Wallis System", Eur Spine J (2002) 11 ((Suppl. 2): S164-S169, ©Springer-Verlag 2002, (6 pages).
AS	1	Dunsker, Stewart B., Schmidek, Henry H., Frymoyer, John, and Kahn, Alfred, "The Unstable Spine (Thoracic, Lumbar, and Sacral Regions), Grune & Stratton, Inc. 1986, (19 pages).

EXAMINER	DATE CONSIDERED

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	BA	5,242,446	09/07/1993	Steffee et al.			
	BB	5,261,912	11/16/1993	Frigg			
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	BF	5,501,684	03/26/1996	Schlapfer et al.			
	BG	5,540,688	07/30/1996	Navas			
	BH	5,545,163	08/13/1996	Miller et al.			
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	BJ	5,591,165	01/07/1997	Jackson			
	BK	5,616,143	04/01/1997	Schlapfer et al.			

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	BL						Yes No
	BM						Yes No
	BN						Yes No
	BO						Yes No
	BP						Yes No

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BQ	2	"Modulus System™: Fusion, Stabilization, or Augmentation", MEKANIKA: The Spinal Stabilization Company, <a href="http://www.mekanika.com/htm/modsystem.htm">http://www.mekanika.com/htm/modsystem.htm</a> , November 15, 2003, (4 pages).
BR	2	Scifert, Jeffrey L., Sairyo, Koichi, Goel, Vijay K., Grobler, Leon J., Grosran, Nicole M., Spratt, Kevin F., and Chesmel, Kathleen D., "Stability Analysis of an Enhanced Load Sharing Posterior Fixation Device and Its Equivalent Conventional Device in a Calf Spine Model", SPINE, Vol. 24, No. 21, pp. 2206-2213, ©Lippincott, Williams & Wilkins, Inc. (8pages).
BS	2	Various Abstracts of Articles on the "X-Stop" Interspinous Spacer, Various Authors, date unknown.

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	CG	6,015,409	01/18/2000	Jackson			
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	CJ	6,086,590	07/11/2000	Margulies et al.			
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	CL						Yes No
	CM						Yes No
	CN						Yes No
	CO						Yes No
	CP						Yes No

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CQ	3	Swanson, Kyle E., Lindsey, Derek P., Hsu, Ken Y., Zucherman, James F. and Yerby, Scott A., "The Effect of Interspinous Implant on Intervertebral Disc Pressures", SPINE, Vol. 28, No. 1, pp. 26-32, ©Lippincott, Williams & Wilkins, Inc., (9 pages).
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	DB	6,179,838	01/30/2001	Fiz			
	DC	6,206,882	03/27/2001	Cohen			
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	DH	6,514,225	02/04/2003	Ferree			
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	DL						Yes No
	DM						Yes No
	DN						Yes No
	DO						Yes No
	DP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	DQ	4	"WALLIS", Spine Next, Evoluer Autrement, <a href="http://www.spinenext.com">http://www.spinenext.com</a> , (1 pages).
	DR	4	Senegas, Jacques, "Senegas System: Concept of Posterior Stabilisation: Mechanical Supplementation by Dynamic Fixation in Degenerative Intervertebral Lumbar Segments: The Wallis System", (2 pages).
	DS	4	Suzuki, Kane, Mochida, Joji, Chiba, Masahiro and Kikugawa, Hisao, "Posterior Stabilization of Degenerative Lumbar Spondylolisthesis with a Leeds-Keio Artificial Ligament: A Biomechanical Analysis in a Porcine Vertebral Model", (10 pages).

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	EE	2002/0068937	06/06/2002	Kuntz			
	EF	2002/0103487	08/01/2002	Errico et al.			
	EG	2002/0138077	09/26/2002	Ferree			
	EH	2002/0165550	11/07/2002	Frey et al.			
	EI	2002/0183745	12/05/2002	Kuntz			
	EJ	2003/0004511	01/02/2003	Ferree			
	EK	2003/0028196	02/06/2003	Bonutti			

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	EL						Yes No
	EM						Yes No
	EN						Yes No
	EO						Yes No
	EP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

EQ	§	Mochida, Joji, Suzuki, Kane, Chiba, Masahiro, "How to Stabilize a Single Level Lesion of Degenerative Lumbar Spondylolisthesis", Clinical Orthopaedics and Related Research, No. 368, pp. 126-134, ©Lippincott, Williams & Wilkins, Inc., (9 pages).
ER	§	Taylor, Jean, "Minimal Access for Interspinous Stabilisation", (6 pages).
ES	§	Caserta,S., La Maida, G.A., Misaggi, B., Peroni,D., Pietrabissa,R., Raimondi, M.T., Redaelli, A., "Elastic Stabilization Alone or Combined with Rigid Fusion in Spinal Surgery: A Biomechanical Study and Clinical Experience based on 82 cases", Eur Spine J (2002) 11(Suppl.2):S192-S197, ©Springer-Verlag 2002, (6 pages).

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	FA	2003/0065329	04/03/2003	Vaughan			
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	FI						
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	FL						Yes No
	FM						Yes No
	FN						Yes No
	FO						Yes No
	FP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	FQ	<u>6</u>	Hadlow, Simon, Fagan, Andrew, Terrence, Hillier and Fraser, Robert, "The Graf Ligamentoplasty Procedure: Comparison with Posterolateral Fusion in the Management of Low Back Pain", <a href="http://gateway2.ovid.com/ovidweb.cgi">http://gateway2.ovid.com/ovidweb.cgi</a> , May 20, 2003, (14 pages).				
	FR	<u>6</u>	Konno, Shinichi and Kikuchi, Shinichi, "Prospective Study of Surgical Treatment of Degenerative Spondylolisthesis: Comparison Between Decompression Alone and Decompression with Graf System Stabilization", SPIN, Vol. 25 (12), June 15, 2000, (10 pages).				
	FS	<u>6</u>	Gardner, Alan and Pande Ketan, "Graf Ligamentoplasty: A 7-Year Follow-Up, Eur Spine J (2002) 11 (Suppl.2): S157-S163, ©Springer-Verlag 2002, (7 pages).				

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	GH						
	GI						
	GJ						
	GK						

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	HL						Yes No
	HM						Yes No
	HN						Yes No
	HO						Yes No
	HP						Yes No

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HQ	7	Nydegger, T. and Dubois, G., "Dynamic Neutralisation System for the Spine: Biomechanical Aspects", (1 page).
HR	7	Eberlein, Robert, Holzapfel, Christian A, and Schulze-Bauer, A.J., "Assessment of a Spinal Implant by Means of Advanced FE Modeling of Intact Human Intervertebral Discs", WCCM V July 7-12, 2002, (14 pages).
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EXAMINER	DATE CONSIDERED

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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO.: 1842-0021	APPLICATION NO. 10/749,640
	APPLICANT: Boyd et al.	
	FILING DATE: December 31, 2003	GROUP ART UNIT: To be Assigned

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	IA						
	IB						
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	ID						
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	IJ						
	IK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	IL						Yes No
	IM						Yes No
	IN						Yes No
	IO						Yes No
	IP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

IQ	8	Freudiger,S., Dubois, G. and Lorrain, M., "Dynamic Neutralisation of the Lumbar Spine Confirmed on a New Lumbar Spine Simulator in Vitro", Arch Orthop Trauma Surg (1999): 119:127-132, ©Springer-Verlag -1999, (6 pages).
IR	8	Rauchnung, Wolfgang, "Design Rational and Implantation of Dynesis", (2 pages).
IS	8	Centerpulse, Centerpulse Spine-Tech, <a href="http://www.centerpulse.com/centerpulse/Investors/NewsQuotes/?view=6340">http://www.centerpulse.com/centerpulse/Investors/NewsQuotes/?view=6340</a> , 04/29/2003, (2 pages).

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	JB						
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	JE						
	JF						
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FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	TRANSLATION
	JL						Yes No
	JM						Yes No
	JN						Yes No
	JO						Yes No
	JP						Yes No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	JQ	9	Sengupta, Dilip K., Mulholland, Robert C., Herkowitz, Harry N., Hochschuler, Stephen H., "Loads Sharing Characteristics of Two Novel Soft Stabilization Devices in the Lumbar Motion Segments: A Biomechanical Study in Cadaver Spine", date unknown, (3 pages).				
	JR	9					
	JS	9					
EXAMINER					DATE CONSIDERED		
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